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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1956

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA, *Complainants,* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, *Defendants.*	No. 2 Original
STATE OF MICHIGAN, *Complainant,* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al., *Defendants,* STATES OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI, and ARKANSAS, *Intervening Defendants.*	No. 3 Original
STATE OF NEW YORK, *Complainant,* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al., *Defendants.*	No. 4 Original

PETITION OF THE STATE OF LOUISIANA, INTERVENING DEFENDANT, IN SUPPORT OF THE PETITION OF THE STATE OF ILLINOIS FOR TEMPORARY MODIFICATION OF PARAGRAPH 3 OF DECREE OF APRIL 21, 1930.

JACK P. F. GREMILLION,
Attorney General of the
State of Louisiana,
Attorney for Petitioner.

CHAMPLIN-SHEALY COMPANY, CHICAGO 365

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To the Honorable

THE CHIEF JUSTICE AND ASSOCIATE JUSTICES
OF THE SUPREME COURT OF THE UNITED STATES:

The State of Louisiana, an intervening defendant in this cause, presents this, its petition, in support of the petition heretofore filed by the State of Illinois, and joins with the State of Illinois in praying for temporary modification of the decree of this Court entered on April 21, 1930, which prohibits diversion of water from the Great Lakes-St. Lawrence system or watershed in excess of 1,500 cubic feet per second, in addition to domestic pumpage, by the State of Illinois or the Sanitary District of Chicago.

As fully set forth in the petition of the State of Illinois, unprecedented drought conditions in the area forming the watershed of the Mississippi River have resulted in a continuing decline of water level of the Mississippi River to a point where navigation has been and will continue to be seriously impaired.

The State of Louisiana concurs in the petition of the State of Illinois, and in the petition of intervention of the State of Missouri, and in addition submits the following reasons, among others, for the granting of the relief prayed.

In addition to the lowered water levels causing serious impairment of navigation and transportation of resources in domestic and international commerce, other problems develop which are peculiar to the lower reaches of the river. Lack of fresh water flow in sufficient volume has three direct results on navigation; first, a wedge of salt water from the Gulf of Mexico moves along the bottom in an upstream direction, and flocculated material, commonly called sludge, is deposited as a result of the fresh-salt water contact, this material being a serious navigation hazard, causing ships to lose rudder response and to lose headway;

second, an increase in sedimentation of other material held in suspension ahead of the salt water intrusion results in channel shallowing, and further impairment of navigation; third, reduced volume of fresh water in the main channel causes increased sedimentation in distributary channels. The Atchafalaya River is one such distributary, and millions of dollars are now being spent by the United States Corps of Engineers at the confluence of this river and the Mississippi River to preserve and maintain the channel unaffected by additional sedimentation.

A critical shortage of crude oil has developed as a direct result of the Arab-Israeli war, and the seizure of the Suez Canal by Egypt. Louisiana has been petitioned to satisfy part of the new demand for domestic oil because of its ready availability from pipeline terminal directly into tanker transportation by water. The many terminals necessary to allow Louisiana to meet the increased demand for fuel oil must be maintained in operating capacity and some dredging must be done. Additional flow of fresh water would help alleviate the three sedimentation problems caused by abnormally low river states.

There is, too, the probability of serious health problems developing and becoming critical as the drinking water supply of cities, such as New Orleans, among others, becomes threatened by contamination from salt, should the decline of fresh water flow continue.

Barring unforeseen relief by nature, it is thus apparent that curtailment of commerce and threats to health will cause irreparable and unnecessary injury. The only means by which the necessary relief can be accomplished in time to avert the emergency conditions which already exist, and which are daily becoming more critical, is through the diversion of water from Lake Michigan via the Chicago Sanitary Canal and the Illinois River as prayed for in the petition

of the State of Illinois. As stated in that petition, the amount of water required to alleviate the present shortage of water in the Mississippi River, would have no appreciable effect upon the water level of Lake Michigan or of the Great Lakes-St. Lawrence system or watershed, and would in no respect impair or obstruct navigation thereon.

WHEREFORE, the State of Louisiana respectfully concurs in the petition heretofore filed by the State of Illinois for temporary modification of the decree of this Court of April 21, 1930, to permit a diversion of 10,000 cubic feet of water per second from the Great Lakes-St. Lawrence system or watershed, in addition to domestic pumpage, for a period of one hundred days following the entry of the Court's order authorizing such modification, in order to relieve the critical shortage of water which now exists in the Mississippi River.

Respectfully submitted,

STATE OF LOUISIANA,

By JACK P. F. GREMILLION,
Attorney General of the State of Louisiana.

MARC DUPUY, JR.,
Baton Rouge, Louisiana
Of Counsel.

State of Louisiana }
East Baton Rouge County } ss.

Jack P. F. Gremillion, being first duly sworn, deposes and says that he is a duly appointed and acting Attorney General in the State of Louisiana; that he has read the foregoing reply; and that the matters and things therein set forth are true in substance and in fact. Deponent further certifies that copies of the foregoing reply have this day been mailed by first class United States mail, or United States airmail, to all parties to this proceeding.

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Subscribed and sworn to before me this ..... day of November, A. D. 1956.

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Notary Public